

IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

IN THE MATTER OF A PENDING  
CRIMINAL INVESTIGATION

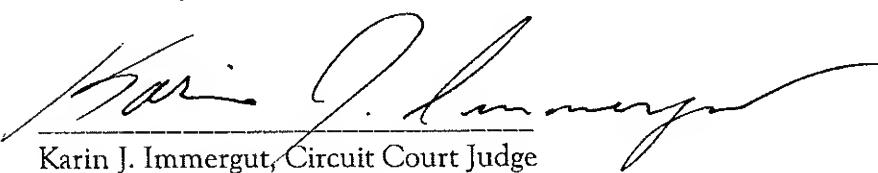
ORDER SEALING SEARCH  
WARRANT MATERIALS

Good cause appearing from the affidavit of Detective Anthony Merrill, the Court finds that disclosure of the materials subject of this order would:

Jeopardize an ongoing law enforcement investigation;  
 Jeopardize the life or safety of one or more individuals whose identity and role may be determined from an inspection of those materials.

It is therefore ORDERED that the Affidavit for Search Warrant, the related Search Warrant and Seizure Order and the Return of Search Warrant issued December 19, 2018, enclosed herewith be sealed and not disclosed to any person until further order of this court.

Dated: 12/31/18



Karin J. Immergut

Karin J. Immergut, Circuit Court Judge

MULTNOMAH COUNTY CIRCUIT COURT  
SEARCH WARRANT RETURN

The ORIGINAL WARRANT must be attached to this return.  
The completed return must be mailed to issuing judge (at 1021 SW 4<sup>th</sup> Ave,  
Portland, OR 97204) or delivered to that judge in person.

Do not email or fax this return.

PPB Case #18-183742

The declarant identified below makes the following search warrant return:

1. This warrant was issued by Judge Karen Immergut
2. This warrant was issued on 12/19/18 at 3:15 am/pm.
3. The affiant was:  the undersigned, or  
 \_\_\_\_\_ BPSST# \_\_\_\_\_
4. The warrant was:  not served, or  
 served on 12/21/18 at 0900 am/pm.
5. During the execution of the warrant:  
 No property was seized, or  
 Property was seized, see attached \_\_\_\_\_ pages, or  
 The below listed items were seized:

The warrant was submitted to the Portland Police  
Bureau Computer Forensic Specialist Detective  
Cory Stenzel #45663 on 12/21/18 to process  
the Apple I-Phone belonging to Nancy Lee Crampton  
Brophy

6. I hereby declare that the above statements (and the attached pages, if any) are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Arthur Merrill #35227  
OFFICER SIGNATURE

Anthony Merrill #35227  
PRINTED NAME

Agency: PPB DPSST# 35227 CONTACT # 503-793-2154

County of Multnomah

IN THE NAME OF THE STATE OF OREGON

TO ANY PEACE OFFICER IN THE STATE OF OREGON, GREETINGS:

1        You are hereby commanded to search for evidence of crimes related to Murder (ORS  
2        163.115) and Unlawful use of a Weapon (ORS 166.220) to test and examine to include, but not  
3        limited to:

4        An Apple I-phone belonging to Nancy Lee Crampton Brophy which was seized by  
5        Portland Police Bureau Detectives on September 5, 2018 during her arrest; ;

6

7        That I know this Apple I-phone to be currently stored at the Detective Division Satellite  
8        Property Evidence Room on the 13th floor, Portland Police Bureau, located at 1111 SW 2nd  
9        Avenue, City of Portland, County of Multnomah, State of Oregon.

10

11        And to seize and analyze the aforesaid objects of the search based upon the confines of the  
12        Affidavit;

13        You are further directed to make return of this warrant to me within ten (10) days after  
14        the execution thereof.

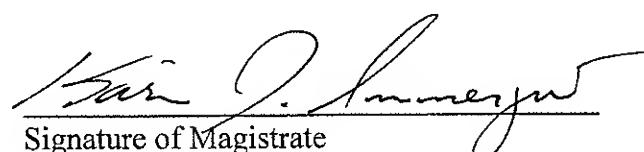
15        It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until  
16        otherwise ordered by the court.

17        ISSUED over my hand on December 19, 2018 at 3:15 a.m./p.m.

18

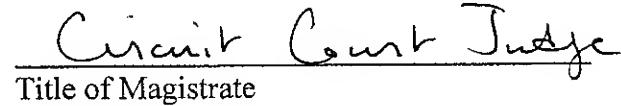
19

20

  
Signature of Magistrate

21

22

  
Title of Magistrate

23

24

25

26

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY**

3 STATE OF OREGON } AFFIDAVIT FOR  
4 COUNTY OF MULTNOMAH } SEARCH WARRANT

5  
6 ADDENDUM

6 ADDENDUM

8 I, Anthony J. Merrill, upon my oath, do hereby depose and say that:

10 I am employed as a Detective with the Portland Police Bureau (PPB) and have been a  
11 police officer for over twenty years. I have a Bachelor of Arts Degree with a major in Political  
12 Science. I am currently assigned to the Detective Division and work as a member of the  
13 Homicide Detail for over the last seven years. I have attended and completed the Oregon State  
14 Basic Police Academy, the Portland Police Bureau Advanced Academy, and the Portland Police  
15 Bureau Detectives' Academy. I was also assigned previously as a Detective to the Tactical  
16 Operations Division as a member of the Gang Enforcement Team, Robbery, Cold Case  
17 Homicide, Afternoon General Assignment, Fraud, and Assault Details. I have received training  
18 from Wicklander-Zulawski & Associates in Interview and Interrogation, Third Degree  
19 Communications, Inc. in Interview and Interrogation and Robbery Investigations, Inside the  
20 Tape in Homicide and Crime Scene Management training, and multiple, annual Oregon  
21 Homicide Investigator Association conferences of which I am a member and have presented  
22 multiple case studies. I was assigned as a Patrol Officer at Central Precinct on afternoon and  
23 morning shifts for four years, a Street Crimes Specialty Unit Officer for one and a half years, a  
24 School Resource Officer for two and a half years, and a Mayor's Protective Detail Officer for  
25 one year.

26

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY**

That I am seeking a search warrant for the following items:

An Apple I-phone belonging to Nancy Lee Crampton Brophy.

This item was seized and subsequently searched and examined upon the service of the  
warrant signed by Multnomah County Circuit Court Judge Amy Holmes Hehn on September 7,  
which is attached and incorporated herein as Attachment 1. On September 5, 2018  
Portland Police Detectives served another search warrant, which was signed by Multnomah  
County Circuit Court Judge Karen Immergut, on the residence and vehicle of Nancy Lee  
Crampton Brophy at [REDACTED] City of Beaverton, County of Washington, and  
State of Oregon. Prior to the search of the residence Nancy Lee Crampton Brophy was placed  
in custody and the Apple I-phone she was carrying was seized as evidence pursuant to the  
search warrant. That I know Nancy Lee Crampton Brophy's Apple I-phone is currently stored  
in the Detective Division Satellite Property Evidence Room on the 13<sup>th</sup> floor, Portland Police  
Bureau, located at 1111 SW 2<sup>nd</sup> Avenue, City of Portland, County of Multnomah, State of  
Oregon.

That upon the service of the warrant signed by Multnomah County Circuit Court Judge Holmes Hehn on September 7, 2018, which is attached and incorporated herein as Exhibit 1, Detective Darren Posey, DPSST #29521, told me Nancy Lee Crampton Brophy's I-phone was downloaded and he examined the contents of this saved data from her cell phone. Detective Posey told me there appeared to be a substantial amount of historical information missing from her cell phone from the months of February 2018 through June 2018. I know that the murder of Daniel Brophy occurred on June 2, 2018.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY**

3       Upon the service of the warrant on September 5, 2018 at Nancy Lee Crampton Brophy's  
4 residence, Detective Posey told me lap top computers were seized. Detective Posey told me the  
5 lap-top computers were imaged / copied in order to view the information. Detective Posey told  
6 me he began viewing the information and found in the search history typed information for a  
7 Glock 17 slide and barrels for sale. Through this search information Detective Posey told me he  
8 found internet history indicating searches conducted for Glock 17 Gen4 9mm slide and barrels  
9 for sale on EBay Incorporated. Detective Posey told me as he continued the analysis of the  
10 searched items he saw Nancy Lee Crampton Brophy has an associated account with "PayPal"  
11 which is a payment system used by EBay customers to pay for purchases through the EBay  
12 system.

14 I know that the gun Nancy Lee Crampton Brophy purchased at the gun show on February  
15 17, 2018 is a Glock 17 Gen4 9mm handgun. I know from my review of information found during  
16 the search warrant service as well as articles written by Nancy Lee Crampton Brophy, she has  
17 spent time studying and reading about police procedures as well as tactics used to conceal  
18 criminal behavior. I know from my own training and experience with Glock handguns, they can  
19 be manipulated in such a way so the slide and barrel from one Glock 17 handgun frame can be  
20 interchanged with another handgun frame effectively changing the firearm. I know from my own  
21 research and understanding of Glock firearms including my conversations with firearm experts  
22 that changing the barrel and slide from one Glock frame to another Glock frame of similar model  
23 will transfer the unique imprinting on the casing and bullet. I also know that the barrel and slide  
24 though serialized by Glock are not registered and can be sold and purchased without making  
25 notification with the Alcohol, Tobacco, and Firearms Administration (ATF) or other  
26 governmental agencies.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY**

4 On October 19, 2018 Detective Posey told me he received search warrants for eBay  
5 Incorporated and PayPal Incorporated from Multnomah County Circuit Court Judge Amy  
6 Holmes Hehn. Detective Posey told me he served the warrants via their email portals. On  
7 October 23, 2018 Detective Posey told me he received information from eBay Incorporated, and  
8 on October 31, 2018 Detective Posey told me he received information from PayPal Incorporated  
9 for Nancy Lee Crampton Brophy's payment and transaction history. Detective Posey told me he  
10 conducted a review of the information on November 1, 2018 and found a transaction through  
11 PayPal Incorporated for a purchase from Caroline Colt Company LLC. The transaction Detective  
12 Posey told me he found was for \$364.99 dated on February 23, 2018, and coincided with Nancy  
13 Lee Crampton Brophy's laptop computer search on eBay for a Glock 17 Gen 4 slide and barrel.  
14 Detective Posey told me he checked the Caroline Colt Company LLC online and found their  
15 contact information. Detective Posey told me he emailed the company and explained who he was  
16 and asked if they retained information regarding transaction information for Nancy Lee  
17 Crampton Brophy. On November 1, 2018 Detective Posey told me he was contacted by Patrick  
18 Cowen of Caroline Colt Company LLC and he provided Detective Posey with the transaction  
19 information he had for Nancy Lee Crampton Brophy. The transaction information provided by  
20 Patrick Cowen showed an eBay purchase for a Glock Model 17 Gen 4 complete slide and barrel  
21 9mm upper and included shipping information for February 26, 2018 to Nancy Brophy at [REDACTED]

Beaverton, Oregon with United States Postal Service tracking number

24 On December 11th, 2018, Officer Aaron Sparling, DPSST #45515, who is a Computer  
25 Forensic Specialist assigned to the Detective Division, told me that he consulted Detective Cory  
26 Stenzel, DPSST #45662, who is a certified Mobile Device Forensic Examiner assigned to the

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY**

3 Detective Division, that there is new technology in cell phone software/applications that can  
4 often recover deleted cell phone historical data from Apple I-phones.

5

6 I know based on my training and experience it is more likely than not that additional  
7 evidence, documentation, and information can be recovered from Nancy Lee Crampton Brophy's  
8 Apple I-phone.

9

10       Based on the foregoing I believe probable cause exists for evidence of the crimes of  
11   Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220) and will be found in this  
12   Apple I-phone;

13

14 Therefore, I pray for an addendum to the warrant to test and examine, to include, but not  
15 limited to an Apple I-phone that belongs to Nancy Lee Crampton Brophy;

16

17 That I know to be currently stored at the Detective Division Satellite Property Evidence  
18 Room on the 13th floor, Portland Police Bureau, located at 1111 SW 2nd Avenue, City of  
19 Portland, County of Multnomah, State of Oregon.

20

2

21

Anthony Merrill #35227  
Affiant

2

2

3

Mark J. L.  
Judge

County of Multnomah

IN THE NAME OF THE STATE OF OREGON

TO ANY PEACE OFFICER IN THE STATE OF OREGON, GREETINGS:

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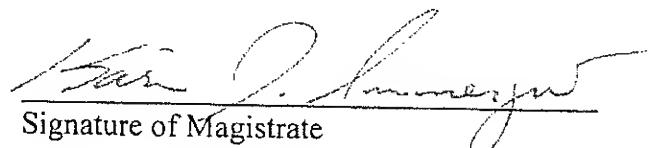
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9        Avenue, City of Portland, County of Multnomah, State of Oregon.  
10

11       And to seize and analyze the aforesaid objects of the search based upon the confines of the  
12       Affidavit;

13       You are further directed to make return of this warrant to me within ten (10) days after  
14       the execution thereof.

15       It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until  
16       otherwise ordered by the court.

17       ISSUED over my hand on December 19, 2018 at 3:15 a.m. ✓ p.m.  
18

  
Signature of Magistrate

Circuit Court Judge  
Title of Magistrate

## Attachment 1

**IN THE CIRCUIT COURT OF THE STATE OF OREGON**

## MULTNOMAH COUNTY

3 STATE OF OREGON } AFFIDAVIT FOR  
4 COUNTY OF MULTNOMAH } SEARCH WARRANT

I, Darren Posey, having been first duly sworn, depose and say that I am a Police Detective, and I have been a sworn Peace Officer in the State of Oregon for 21 years, and have been a Police Detective for over 12 years of that time. I have attended the Department of Public Safety Standards and Training (DPSST) three-hundred and twenty (320) hour Basic Police Academy, as well as a DPSST certified three-hundred and sixty (360) hour Advanced Academy instructed by the Portland Police Bureau. I also attended a DPSST certified eighty (80) hour Detective Academy. In addition to this training, I graduated Bethany University with a Bachelor of Arts degree and graduated San Jose City College with an Associates of Arts degree. The academies I have attended included training on investigating homicides, robberies, and assaults. I am currently assigned to the Homicide Detail of the Detective Division for the Portland Police Bureau. My current job assignment includes the investigation and apprehension of subjects who have committed homicides, attempted homicides, and felony assaults;

19 That I am seeking a search warrant for the following items: 1. An Apple I-phone  
20 belonging to Nancy Lee Crampton-Brophy, 2. a purple colored Lexar thumb drive, 3. a silver  
21 colored HP laptop computer with serial number [REDACTED], 4. a black and gray colored HP  
22 laptop computer with serial number [REDACTED], 5. A Garmin GPS mapping device;

24 The following information is provided to establish probable cause relative to the  
25 information sought in this affidavit, and may not necessarily contain all of the facts and  
26 circumstances I am aware of relative to this ongoing investigation.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3 That On June 2, 2018 I was directed to respond to the Oregon Culinary Institute at 1701  
4 SW Jefferson Street, City of Portland, County of Multnomah, State of Oregon to conduct an  
5 investigation related to the homicidal death of Daniel C. Brophy. The assigned Case Number is  
6 18-183742. During the course of this investigation I oversaw the collection of information from  
7 the crime scene located in and around the Oregon Culinary Institute located at 1701 SW  
8 Jefferson Street, City of Portland, Multnomah County, and State of Oregon.

10 After reviewing the initial police response, talking to officers present at the scene and  
11 debriefing with other investigators who were present, the following information has been  
12 developed regarding Case Number 18-183742. I was informed by Sergeant Whattam that police  
13 were called to respond to investigate a subject who had been recently shot with a gun and had  
14 died in one of the kitchen areas of the Oregon Culinary Institute at 0823 hours on June 2, 2018.  
15 The subject who had been killed was identified as Daniel C. Brophy who was an employed  
16 instructor at the Oregon Culinary Institute. I personally observed that Daniel C. Brophy's injuries  
17 were such that they could not have been self-inflicted, and no firearm was located at the scene.  
18 The location of the crime occurred inside the institute, and I learned from staff and personal  
19 observation the institute did not have any security surveillance camera systems. After contacting  
20 the students and other staff members responding officers were not able to identify any eye-  
21 witnesses who had heard or seen the actual crime occur. During the initial interviews with  
22 institute administrators I was unable to identify any subjects who had a current grudge or dispute  
23 with Daniel C. Brophy.

25 While at the location of occurrence I conducted an audio recorded interview with the wife  
26 of Daniel C. Brophy. The wife's name is Nancy Lee Crampton-Brophy. Nancy Lee Crampton-

IN THE CIRCUIT COURT OF THE STATE OF OREGON

## MULTNOMAH COUNTY

3 Brophy told us she had come to the Oregon Culinary Institute because a friend had called her  
4 about an incident at the institute and it was on the news. Nancy Lee Crampton-Brophy told me  
5 she had attempted to call Daniel C. Brophy without result. We spoke to Nancy Lee Crampton-  
6 Brophy in order to determine when Daniel C. Brophy left his home and what routines he keeps in  
7 the morning. Nancy Lee Crampton-Brophy provided a timeline for when Daniel C. Brophy had  
8 left their house that morning and she also provided some background information about her  
9 husband. Nancy Lee Crampton-Brophy told us she believed Daniel C. Brophy left their residence  
10 in Beaverton sometime around 0705 hours and would have arrived at the institute about ten  
11 minutes or so later as they only live about five miles away. Nancy Lee Crampton-Brophy also  
12 indicated she was at home at the time her husband left the house. Nancy Lee Crampton-Brophy  
13 told us she did not know of any dispute or problem with any person that would provide a motive  
14 for this incident. Nancy Lee Crampton-Brophy told us Daniel C. Brophy was well liked at the  
15 institute and with the students. Nancy Lee Crampton-Brophy told us she and her husband had  
16 decided to buy a handgun in February of this year (2018) after hearing about the school shooting  
17 in Florida. Nancy Lee Crampton-Brophy told us she believed it was still at the house, but had not  
18 looked at it recently. Nancy Lee Crampton-Brophy said they had not used it as they were not  
19 really people that were familiar with guns. Nancy Lee Crampton-Brophy described the gun as a  
20 Glock handgun in 9mm caliber.

22 While Nancy Lee Crampton-Brophy was at the Culinary Institute with us we asked if we  
23 could drive her back home and check if the firearm was still at the house, as we were unsure if  
24 Daniel C. Brophy may have had the gun with him at the Institute for protection, and it had been  
25 used against him in some way. Nancy Lee Crampton-Brophy agreed, and Detective Beniga and  
26 Detective Broughton travelled with her back to her house to check the condition of the firearm. I

IN THE CIRCUIT COURT OF THE STATE OF OREGON

## MULTNOMAH COUNTY

3 observed the vehicle Nancy Lee Crampton-Brophy was driving was a gray colored Toyota  
4 Sienna mini-van with a roof rack and tinted windows.

5

6 Detective Beniga later told me Nancy Lee Crampton-Brophy gave the Glock 9mm  
7 handgun to them for safekeeping. The gun was found in its box without ammunition along with  
8 magazines and the slide zip-tied through the barrel.

9

10 During this investigation a canvas for video surveillance was conducted of the  
11 surrounding businesses located by the Oregon Culinary Institute. This canvas is an investigative  
12 technique designed to locate and identify potential suspects, suspect transportation, and avenues  
13 of escape by the perpetrator. I had been informed by Detective Merrill that the Bellagio's Pizza  
14 restaurant located across the street from the Oregon Culinary Institute had a security surveillance  
15 system and had a camera that covered SW Jefferson Street just west of the Culinary Institute.

16

17 While watching the video at the Bellagio's location I observed a dark colored minivan  
18 drive west bound on SW Jefferson Street from the area of the Oregon Culinary Institute. The  
19 vehicle looked just like the mini-van driven by Nancy Lee Crampton-Brophy. The time the mini-  
20 van travels west from the area of the institute was 0728 hours (AM) as adjusted from the  
21 surveillance system that was synced to Eastern Standard Time. The mini-van on the video  
22 appeared to be driven by a subject who had gray hair. As Detective Beniga was at the house of  
23 Nancy Lee Crampton-Brophy we asked him to take some pictures of her vehicle in order to  
24 compare it with the video. Detective Beniga told me when he was taking pictures of the mini-  
25 van; Nancy Lee Crampton-Brophy spontaneously stated, "Why? I wasn't there this morning, I  
26 was at home." I had observed Nancy Lee Crampton Brophy on the morning of June 2, 2018 and

IN THE CIRCUIT COURT OF THE STATE OF OREGON

## MULTNOMAH COUNTY

3 observed she had gray colored hair, fair skin, and was wearing dark colored clothing.

4

5 The information developed from the crime scene and the autopsy conducted the  
6 following day determined the bullets involved in the shooting were 9mm in caliber and were  
7 fired by a semi-auto type handgun. The casings found at the crime scene were stamped "sig 9mm  
8 luger" with silver colored exteriors. I was also able to find from the Oregon Culinary Institute  
9 staff that Daniel Brophy had deactivated the alarm for the institute building at approximately  
10 0721 hours on June 2, 2018. From the information developed from the autopsy and the initial  
11 observance by the Medical Examiner Daniel Brophy was shot in the back once and shot in the  
12 chest once. Both bullet impacts were centrally oriented on his body and both bullets traversed the  
13 heart. Daniel Brophy did not have any defensive type wounds on his body. I noted no items or  
14 money appeared to have been taken from Daniel Brophy and no sign of a struggle or disturbance  
15 was present at the crime scene. Further, no items were found to be disturbed or missing from the  
16 Oregon Culinary Institute.

17

18 During the initial investigation the cell phone belonging to Daniel Brophy the deceased  
19 victim was located on his person during the incident. The phone was seized as evidence and its  
20 information downloaded by Detectives in order to preserve the evidence. I personally reviewed  
21 the information on the phone in an attempt to discover possible motive and suspect information  
22 related to Daniel Brophy's murder. During the review I found a website book mark for the title  
23 "10 ways to cover up a murder." I later had contact with Nancy Brophy who confirmed she and  
24 Daniel Brophy had a shared Apple I-Tunes account for their phones. From my research into  
25 Apple's I-Tune family sharing plans, I know that internet searches and bookmarks are saved to  
26 the accounts search history and viewable from any phone attached to the account. I know from

IN THE CIRCUIT COURT OF THE STATE OF OREGON

## MULTNOMAH COUNTY

3 talking to Nancy Lee Crampton-Brophy she is a romance novelist and has several books  
4 published. I also know from my investigation and interview with Nancy Lee Crampton-Brophy  
5 she is involved with medical insurance counseling and is familiar with life insurance programs.

6

7 I also took time to compare the surveillance video with the pictures of Nancy Lee  
8 Crampton-Brophy's mini-van. As I observed the photos I noted an older scratch with indentation  
9 of the driver's side rear quarter panel between the top of the rear wheel well and the fuel door.  
10 The scratch/indentation was rusted and had been on the vehicle for some period of time. As I was  
11 able to view the video with a better monitor, I could see the same deformation in the mini-van on  
12 the Bellagio's Pizza surveillance video. I could also see the driver's appearance was consistent to  
13 Nancy Lee Crampton-Brophy's appearance.

14

15 After further canvassing I noted we were able to find additional video that pictured the  
16 same mini-van at the same time frames circling the area at 0708 hours. Located to the west of the  
17 Culinary Institute is a MAX platform called the Goose Hollow Station and has a series of camera  
18 systems. Detective Merrill and I were able to secure the platform video for this station from 0630  
19 hours to 0730 hours. Detective Merrill and I later reviewed these videos and were able to locate a  
20 van matching the description of the Toyota Sienna belonging to Nancy Lee Crampton-Brophy  
21 driving in towards the Oregon Culinary Institute at 0641 hours from the west. In one of the  
22 videos we were able to identify a portion of the license plate on the gray colored Toyota Sienna  
23 mini-van. The viewable digits are "67 B." I was not able to specifically identify the first digit and  
24 the last two digits listed on the license plate, but I was able to narrow what is seen into a range of  
25 possible digits. The first digit of the plate could be a "0," but it is not completely clear enough to  
26 be sure in my estimation. The other digits of the plate observed are consistent with "O" and "X."

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3 but could also possibly be a "D" and a "K." The license plate for the Toyota Sienna mini-van  
4 belonging to Nancy Lee Crampton-Brophy is assigned Oregon State License number "067  
5 BQX." I know from my own internet research that Toyota made the same body and light  
6 configuration for the Sienna mini-van for 2004 and 2005 models, and I know that the Toyota  
7 Sienna mini-van registered to Daniel Brophy match that model seen in the video surveillance I  
8 viewed. An Oregon DMV search indicates about 21 vehicles licensed in the State of Oregon to  
9 2004 and 2005 Toyota Sienna vans could fit this partial license plate combination.

11        The other videos recovered and viewed were able to document a general area of travel for  
12 the mini-van. The van is seen arriving on SW Jefferson Street and SW 20<sup>th</sup> Avenue heading east  
13 towards the Oregon Culinary Institute at 0641 hours. The vehicle is seen heading north on SW  
14 18<sup>th</sup> Avenue. The van is later seen stopping in front of KGW Studios on SW Jefferson east of the  
15 Oregon Culinary Institute. The vehicle waits a short period of time then drives west by another  
16 camera located at 1734 SW Jefferson Street and continues west travelling by Bellagios  
17 Restaurant at 0708 hours. The van is then seen traversing the roundabout at SW Jefferson and  
18 SW 18<sup>th</sup> Avenue where it is encountered by a PGE video security camera located at SW  
19 Columbia Street and SW 16<sup>th</sup> Avenue. On this camera the mini-van turns left and drives north on  
20 SW 17<sup>th</sup> Avenue towards the Oregon Culinary Institute one block away. The vehicle is not seen  
21 driving by the other cameras until 0728 hours as it drives by Bellagios Restaurant again as it  
22 heads west towards Beaverton. The vehicle is also observed again at the Goose Hollow Tri-Met  
23 Station continuing west on NW Jefferson Street and out of view heading towards Beaverton  
24 Oregon. Based on the totality of this information I believe Nancy Lee Crampton-Brophy was  
25 circling the area in her dark colored mini-van prior to Daniel C. Brophy's arrival at the Oregon  
26 Culinary Institute, and Nancy Lee Crampton-Brophy was watching for Daniel C. Brophy's

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3 arrival in order to effect his eventual murder.

4

5 It should be noted a court order/warrant was served on the AT&T account for the cell  
6 phone number of Nancy Lee Crampton-Brophy for the historical location information for the  
7 phone. The return of the warrant information requested is still being analyzed, but initial  
8 indication shows the phone located in the area of Nancy Lee Crampton-Brophy's residence in  
9 Beaverton Oregon during the time of the incident when Daniel Brophy was murdered. According  
10 to the initial analysis from the Detective Division crime analyst, Nancy Lee Crampton-Brophy's  
11 phone was not used but was on and connected to a nearby cell site.

12

13 On June 5<sup>th</sup>, 2018, four days after Daniel Brophy's murder I received a call from Nancy  
14 Lee Crampton-Brophy inquiring as to a letter clearing her as a suspect in the death of her  
15 husband Daniel Brophy. During this investigation I have been contacted by four different  
16 insurance agencies and I have learned that Nancy Lee Crampton-Brophy is the beneficiary of  
17 these policies to an approximate value in excess of \$350,000.

18

19 During this investigation I spoke to Nathaniel Stillwater the son of Daniel Brophy on  
20 June 27, 2018. During our conversation I learned Nancy Lee Crampton-Brophy used to sell life  
21 insurance. I also found Nathaniel Stillwater was unaware of the recent purchase of a handgun by  
22 Nancy Lee Crampton-Brophy. Nathaniel Stillwater told us he was surprised about the purchase  
23 of the gun, and thought it was odd as he did not know they were considering such a purchase.  
24 Nathaniel Stillwater told us he did not consider Nancy Lee Crampton-Brophy or his father to be  
25 the type of people to own a gun. Nathaniel Stillwater told us he is familiar with firearms and  
26 owns several firearms for hunting and sporting activities. Nathaniel Stillwater told us his father

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3 knew this about him, and he thought his father would have likely talked to him about such a  
4 purchase.

5

6 Nancy Lee Crampton-Brophy told me she purchased the firearm at a gun show in  
7 February 2018, and she had not used the gun or had any ammunition to load into the firearm.  
8 When she gave the firearm to Detective Beniga she also provided a copy of the purchase receipt.  
9 The receipt listed J&B Firearm Sales as the vendor who sold the firearm to Nancy Lee  
10 Crampton-Brophy. I confirmed the serial number on the firearm matched that of the receipt. I  
11 went to J&B Firearms located at 10201SW Beaverton–Hillsdale Highway in Beaverton Oregon.  
12 I spoke with the employees there and they informed me that when they sell firearms at the gun  
13 shows they do not sell ammunition. The employees showed me the type of zip ties they use for  
14 securing weapons at the gun shows. I noted the zip tie used was similar to the one found on the  
15 gun Nancy Lee Crampton Brophy had turned over for safe keeping. While at J&B Firearms I  
16 noted they had the same type of ammunition for sale that was found in the crime scene. I also  
17 noted that J&B Firearms Store is located less than a mile away from Nancy Lee Crampton  
18 Brophy's home address.

19

20 On August 29, 2018 I submitted an affidavit for a warrant to test and analyze the Glock  
21 17 firearm given to Detective Beniga and Detective Broughton for safe keeping by Nancy Lee  
22 Crampton Brophy. Multnomah County Circuit Court Judge Amy Holmes-Hehn issued a warrant  
23 to test and analyze the Glock 17 handgun with serial number [REDACTED] I transferred this firearm  
24 along with the two casings and bullets recovered from the crime scene to the Oregon State  
25 Criminal Laboratory on August 29, 2018. On September 4, 2018 I spoke to Leland Samuelson  
26 the forensic scientist and firearm expert who conducted the analysis of the handgun, casings, and

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3 bullets. Leland Samuelson told me the Glock 17 handgun with serial number [REDACTED] was not  
4 the gun that fired the bullets that killed Daniel Brophy. Leland Samuelson told me the gun used  
5 to shoot the ammunition components from the crime scene was most likely a different Glock  
6 handgun of 9mm caliber. Leland Samuelson confirmed the same gun was used to fire both  
7 bullets in the murder Daniel Brophy. I believe it to be more likely than not, given Nancy Lee  
8 Crampton-Brophy's experience, she understood that a lawfully purchased firearm is easily  
9 traced, and that she abandoned her plan to use the Glock firearm she had lawfully purchased. I  
10 also believe that it is more likely than not that Nancy Lee Crampton-Brophy purchased, or  
11 otherwise obtained, another firearm in order to carry out the murder. I believe it is more likely  
12 than not that Nancy Lee Crampton-Brophy conducted research online about the purchase of  
13 firearms and even visited websites where firearms can be purchased lawfully as well as through  
14 black market type transactions.

15  
16 On September 5, 2018 Portland Police Detectives served a search warrant on the  
17 residence and vehicle of Nancy Lee Crampton-Brophy at [REDACTED] Beaverton,  
18 Oregon. Prior to the search of the residence Nancy Lee Crampton Brophy was placed into  
19 custody and the Apple I-phone she was carrying was seized as evidence pursuant to the search  
20 warrant. During the search of the residence a purple colored Lexar thumb drive attached to the  
21 residential keys provided by Nancy Lee Crampton-Brophy was seized, a silver colored HP laptop  
22 computer with serial number [REDACTED], and a black and gray colored HP laptop computer  
23 with serial number [REDACTED]. During the processing of documents found at the residence  
24 during the initial search of the residence, Sergeant Whattam found several more life insurance  
25 policies from eight different agencies. The amounts of coverage and who is covered under the  
26 policies is still being developed, and three of the agencies are part of what I had located earlier. I

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3 was told by Sergeant Whattam that some of the policies were opened the year 2012. Detective  
4 Merrill located a Garmin GPS mapping device in the gray colored Toyota Sienna mini-van with  
5 Oregon license plate 067BQX.

7 On September 6, 2018 I was notified by Sergeant Burley he had been contacted by a  
8 reporter who had found an online writer's blog post called "See Jane Publish" where Nancy  
9 Brophy authored an article called "How to Murder Your Husband by Nancy Brophy." The article  
10 was published on November 4, 2011. I viewed this article and noted the number one motive for  
11 murdering your husband was "financial." Also, under the "Options to Consider" section in the  
12 article, "Guns" is listed as the first option. The opening paragraph to the article also states "I  
13 spend a lot of time thinking about murder and, consequently, about police procedure." (See  
14 attached article, EXHIBIT A) It is clear that Nancy Lee Crampton-Brophy has conducted  
15 research into the motives, planning, and concealing the crime of murder, and that research is  
16 likely to be found on her electronic devices.

## 18 Electronic Search:

20 I am requesting a warrant to search the following electronic devices for evidence of the  
21 crimes of Murder, as defined in Oregon Revised Statute 163.115, and Unlawful Use of a  
22 Weapon, as defined in Oregon Revised Statute 166.220, and to authorize the processing, testing,  
23 analyzing, comparing, and/or searching of this evidence by me and other Detectives with the  
24 Portland Police Bureau, Criminalists from the Portland Police Bureau Forensic Evidence  
25 Division and/or other Forensic Investigators with the Oregon State Police Criminal Laboratory,  
26 or any other sworn law enforcement agency within the State of Oregon: 1. An Apple I-phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3 belonging to Nancy Lee Crampton-Brophy, 2. a purple colored Lexar thumb drive, 3. a silver  
4 colored HP laptop computer with serial number [REDACTED], 4. a black and gray colored HP  
5 laptop computer with serial number [REDACTED] 5. A Garmin GPS mapping device;

7 From my training and experience as a police detective along with conversations with  
8 other investigators I know that more likely than not persons involved in premeditated murder  
9 will conduct extensive research and planning in order to conduct and conceal their crime. This  
10 research includes internet searches with personal home computers, cell phones, and other  
11 electronic devices on how best to conduct a murder as well as how to avoid detection. I know  
12 from my training and experience investigating similar premeditated crimes that these internet  
13 searches can be bookmarked for future access providing evidence of intention and motive, I also  
14 know these internet searches will include inquiries into areas on how to flee apprehension, as  
15 well as ways to best benefit from the commission of the crime, such as insurance agency  
16 protocols and correspondence for payment of benefits from various policies and insurance  
17 agencies. I know this research and planning can be found on electronic devices such as  
18 computers, electronic devices, smart phones, and small memory storage devices. I further believe  
19 that it is more likely than not that this type of evidence will be located within the I-Phone  
20 belonging to Nancy Lee Crampton-Brophy as well as the Lexar thumb drive (a type of electronic  
21 device), and HP laptop computers seized pursuant to a previous search warrant, and because of  
22 the previously mentioned bookmark on the Brophy's shared iPhone account revealing a prior  
23 search for "10 ways to cover up a murder."

25 Based upon this ongoing investigation I believe the planning of the murder of Daniel Brophy  
26 has been conducted sometime prior to the posted article of "How to Murder Your Husband" on

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

November 4, 2011.

#### *A. Type of Search*

7 The type of search to be performed includes creating an “image” of the contents of the  
8 cell phone, computers and other electronic devices to be performed using forensic imaging tools  
9 that are appropriate to analyze these specific devices. An “image” of a device means that the tool  
10 used to conduct the analysis will attempt to copy an exact mirror copy of all data from the  
11 original device into a forensic copy; such copy can be later verified as a true and accurate copy  
12 of the contents for evidentiary purposes. The particular tools necessary to analyze the phone,  
13 computers and electronic devices cannot be reasonably ascertained at this time due to the fact  
14 that different tools work better or worse dependent on: (1) the type of phone, computer and  
15 electronic device, (2) the specific operating systems being used including operating system  
16 updates, and (3) ongoing updates to the tools themselves that improve their capabilities. The tool  
17 will capture all data possible on the devices and provide it to Law Enforcement as an “image” of  
18 the contents of the device. However, said tools and analysis do not include automatically using  
19 the device as a portal to access and download other information stored on internet based sources  
20 which are not stored locally on the device itself.

22 Once the image and any report concerning the images is produced to your affiant, the  
23 search of that image for relevant evidentiary data will be limited to the terms of this warrant. The  
24 search of the device and its image will be limited to the types of evidence sought below;  
25 however, the court should be advised that modern electronic communications devices and  
26 computers store these types of information in any myriad number of file structures and databases

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3 and are often not segregated into discrete files that can be reasonably anticipated by your affiant  
4 prior to beginning the analysis.

5

6 *B. Evidentiary Data Sought*

7

8 I request the court authorize a warrant to search the data contained in the various  
9 electronic devices described herein, including the device's forensic image, for the following  
10 types of data:

11

## 12 I. Electronic Contacts

13

14 Given my knowledge, training and experience described in this affidavit and with  
15 particularity that described within this section below, I request the court authorize a search of the  
16 Contacts stored on the phones, computers, and electronic devices and imaged copies of these  
17 devices.

18       Based on my training and experience, I know that persons who commit premeditated  
19       homicides will more likely than not use electronic devices, such as smart cell phones and  
20       computers or electronic storage devices, to plan their crimes, research their intended target,  
21       research how to evade detection, and coordinate with potential co-conspirators before, during,  
22       and after the crime. Based on my training and experience and conversations with other  
23       investigators contact information is important to understanding motive and purpose for  
24       premeditated murder as contact information can reveal secret affairs, secret monetary  
25       transactions, and illegal firearm purchases. Based on my training and experience, the stored  
26       contacts of the phone will, more likely than not, provide evidence of these crimes in the above

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3 described manner. Further, as described in the section entitled "Stored Communications" the  
4 contacts list will be necessary to understand to whom stored communications were sent and  
5 received. Additionally, it is not feasible to separate out the Contact list stored on a phone or  
6 computer or other electronic devices from the stored communications seizure since, based on my  
7 training and experience, I know that electronic devices will frequently cross-populate stored  
8 communications with stored contacts such that a text messages or calls received from a phone  
9 number known to the phone device or computer because such number has a corresponding  
10 contact, and will automatically display the contact information stored in the device.

## II. Cell Phone Call history and call logs

14 Given my knowledge, training and experience described in this affidavit and with  
15 particularity that described within this section below, I request the court authorize a search of the  
16 cell phone, and imaged copy of said phone, for call history and call logs on the cell phone  
17 created or modified from November 4, 2011 until the apprehension of Nancy Lee Crampton-  
18 Brophy on September 5, 2018.

20 I know from my training and experience that persons with cell phones will, more likely  
21 than not, store phone numbers for persons under real names or nicknames and that, more likely  
22 than not, when a name and phone number are saved into a phone, they will come up on the caller  
23 identification automatically when the phone receives a call. I know from my training and  
24 experience that cell phones will preserve a call history for persons who call to or from the cell  
25 phone. This call history will display the associated real or nick name of the person called or  
26 calling along with the phone number called or calling. I know that this call log history and

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3 contact history can, more likely than not, provide evidence of possible co-conspirators to the  
4 crime and evidence concerning the location of evidence used in the crime, the contacts the  
5 suspect spoke to during and near the commission of the crime, establish or refute alibi's of the  
6 defendant, corroborate or dispute accounts of other witnesses including the suspect and provide  
7 evidence the defendant's motive and intent when committing the crime. Such communications  
8 can occur through voice phone calls recorded in the call history and call logs, stored voicemails,  
9 images and pictures sent between confederates, text messages or similar plain text  
10 communications, and email communications. I know from my training and experience  
11 investigating similar crimes that the call history and call logs providing evidence of the crime  
12 will, more likely than not, be found throughout the planning phase of the crime until the  
13 apprehension for the crime. Call logs and call history about the crime involving the plotting,  
14 planning and execution will, more likely than not, be found throughout the planning phase of the  
15 crime and through the date of the crime while call logs and call history after the crime involving  
16 discussions of the concealment of evidence linked to the crime, as well as discussions on escape,  
17 and avoiding apprehension, more likely than not, will be found until the eventual date of  
18 apprehension.

### III. Stored electronic communications

22 Given my knowledge, training and experience described in this affidavit and with  
23 particularity that described within this section below, I request the court authorize a search of the  
24 phones, computers, and electronic devices and imaged copies of these devices, for stored  
25 communications on the cell phones, computers, and electronic devices and imaged copies of  
26 these devices created or modified from November 4, 2011 until the date of Nancy Lee

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

Crampton-Brophy's apprehension on September 5, 2018.

4

5 I know from my training and experience that cell phones, computers, and electronic  
6 devices can be used to store communications in a number of methods. The cell phones,  
7 computers, and electronic devices can store communications sent and received by text  
8 messaging, voice to text transcripts, voicemail, images, videos, and email communications. I  
9 know from my training and experience such stored communications include evidence prior to  
10 and during the execution of the crime such as planning, plotting and execution of the crime along  
11 with evidence that occurs after the commission of the crime such as the concealment of the crime  
12 as well as potential monetary proceeds from the commission of the crime.

13

14 From my training and experience, I know that more likely than not persons involved in  
15 premeditated murder will conduct extensive research and planning in order to conduct and  
16 conceal their crime. This research includes internet searches, internet chat room communications,  
17 and social media messaging on how best to conduct a murder as well as how to avoid detection. I  
18 know from my training and experience investigating similar premeditated crimes that these  
19 searches can be saved and bookmarked for future access providing evidence of intention and  
20 motive, I also know these internet searches will include inquiries into areas in which to flee  
21 apprehension, as well as ways to best benefit from the commission of the crime, such as  
22 insurance agency protocols and correspondence for payment of benefits from various policies.

23

24 The stored electronic communications on the cell phones, computers, and electronic  
25 devices and imaged copies of these devices involving the plotting, planning and execution will,  
26 more likely than not, be found throughout the planning phase of the crime and through the date

IN THE CIRCUIT COURT OF THE STATE OF OREGON

## MULTNOMAH COUNTY

3 of the crime while the stored electronic communications after the crime involving discussions of  
4 the concealment of evidence linked to the crime, as well as discussions on avoiding  
5 apprehension, more likely than not, will be found until the eventual date of apprehension of  
6 Nancy Lee Crampton Brophy on September 5, 2018.

#### IV. Pictures, Videos, Audio files and other Media

10 Given my knowledge, training and experience described in this affidavit and with  
11 particularity that described within this section below, I request the court authorize a search of the  
12 pictures, videos, audio files and other media on the cell phones, computers, and electronic  
13 devices and imaged copies of these devices, for said items created or modified from November  
14 4, 2011 until the apprehension of Nancy Lee Crampton-Brophy on September 5, 2018.

15  
16 I know from my training and experience that pictures, videos, audio files and other forms  
17 of electronically stored media collected out of the memory of cell phones, computers, and  
18 electronic devices can provide investigators with information that, more likely than not, provides  
19 evidence of the crimes described in this affidavit to include evidence prior to and during the  
20 execution of the crime such as planning, plotting and execution of the crime along with evidence  
21 that occurs after the commission of the crime such as the profits and concealment of the crime. I  
22 know from my training and experience that persons involved in the criminal acts described in  
23 this affidavit more often than not possess on their cell phones, computers and electronic devices  
24 photographs or videos showing themselves and the clothing they were wearing on a particular  
25 date and time and these photos often will have time stamps and GPS locations attached to them.  
26 Additionally, audio files can include voicemails left to and from other subjects such as

IN THE CIRCUIT COURT OF THE STATE OF OREGON

## MULTNOMAH COUNTY

3 confidants or love interests discussing the homicide and providing additional evidence of the  
4 motive, opportunity and plan of the incident. Further, based on my training and experience, I  
5 know that persons committing these criminal acts will, more likely than not, possess images or  
6 videos depicting the location of the crime such as pre surveillance for planning the criminal  
7 action. I know from my training and experience investigating similar crimes that these images,  
8 videos, audio files and media providing evidence of the crime will, more likely than not, be  
9 found throughout the planning phase of the crime until the date of apprehension. Images, videos,  
10 audio files and media about the crime involving the plotting, planning and execution will, more  
11 likely than not, be found throughout the planning phase of the crime and through the date of the  
12 crime while Images, videos, audio files and media after the crime involving discussions of the  
13 concealment of evidence linked to the crime and apprehension avoidance, more likely than not,  
14 will be found until the time of apprehension.

## V. Internet history

Given my knowledge, training and experience described in this affidavit and with particularity that described within this section below, I request the court authorize a search of the internet browsing history on the cellular phone, computers, and electronic devices seized from Nancy Lee Crampton-Brophy, and imaged copies of said cell phones, computers, and electronic devices, for said items created or modified from November 4, 2011 until the date of apprehension for Nancy Lee Crampton-Brophy on September 5, 2018.

I know based on my training and experience that cell phones, computers, and electronic devices have the capability to browse the internet and such browsing history is stored within the

IN THE CIRCUIT COURT OF THE STATE OF OREGON

## MULTNOMAH COUNTY

3 memory of the cell phone, computer, electronic devices, and small memory storage devices  
4 attached to computers. I further know based on my training and experience that persons  
5 committing offenses described herein will, more likely than not, possess evidence of their  
6 criminal acts within their cell phone, computer, and electronic devices memory storage systems.  
7 I know from my training and experience the information stored in these electronic devices can be  
8 retained for long periods of time. Such evidence includes plotting, planning and execution of the  
9 crime such as researching the location of the crime, researching how to commit the crime  
10 including what weapons may be desirable to facilitate the crime and purchasing items and  
11 weapons from the internet to assist in the facilitation of the crime. Such evidence also includes  
12 apprehension avoidance and concealment of evidence after the crime. I know from my training  
13 and experience investigating similar crimes that internet browsing history providing evidence of  
14 the crime will, more likely than not, be found throughout the planning phase of the crime until  
15 the date of apprehension. Internet browsing history about the crime involving the plotting,  
16 planning and execution will, more likely than not, be found throughout the planning phase of the  
17 crime and through the date of the crime while internet browsing history after the crime involving  
18 discussions of the concealment of evidence linked to the crime and apprehension avoidance,  
19 more likely than not, will be found until the date of apprehension;

## VI. GPS Mapping

23 I know based on my training and experience that automotive global positioning satellite  
24 systems (GPS) use satellite tracking technology to position the vehicles location on maps of  
25 areas and regions. I know these systems have memory logs and can store a history of entered  
26 positions and can also store pre-entered locations for future use in providing directions to those

**IN THE CIRCUIT COURT OF THE STATE OF OREGON**

## MULTNOMAH COUNTY

3 locations. As the unit uses a memory system to store this data it is possible to examine and recall  
4 the locations the unit has traversed.

5

6 Based on the foregoing, I believe that probable cause exists for evidence of the crimes of  
7 Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220), will be found inside;  
8 The cell phone of NANCY LEE CRAMPTON-BROPHY with assigned phone number [REDACTED]  
9 [REDACTED] along with the computers, and electronic devices;

10

11 I know from training and experience that premature disclosure of the contents of this  
12 affidavit would jeopardize the investigation because it could release information known only to  
13 law enforcement investigators. This could allow information to be released that could otherwise  
14 be used to check the accuracy of information by witnesses and suspects related to this case.  
15 Based on the foregoing, I request the affidavit be sealed until further ordered by the court,  
16 excepting that it may be provided to the defense team in this case subject to the terms of any

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
MULTNOMAH COUNTY

3       Therefore, based on the foregoing I pray for a warrant to search for evidence of crimes  
4       related to Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220) to test, and  
5       examine, to include, but not limited to:

1. An Apple I-phone belonging to Nancy Lee Crampton-Brophy with assigned number [REDACTED]
2. A purple colored Lexar thumb drive,
3. A silver colored HP laptop computer with serial number [REDACTED]
4. A black and gray colored HP laptop computer with serial number [REDACTED]
5. A Garmin GPS mapping device

  
Daniel P. Affiant

SUBSCRIBED AND SWORN TO before me this 7<sup>th</sup> day of Sept 2018

Amy Holmes Henn  
Judge  
AMY HOLMES HENN  
CIRCUIT COURT JUDGE

County of Multnomah

IN THE NAME OF THE STATE OF OREGON

TO ANY PEACE OFFICER IN THE STATE OF OREGON, GREETINGS:

1 You are hereby commanded to search for evidence of crimes related to Murder (ORS  
2 163.115) and Unlawful Use of a Weapon (ORS 166.220) to test, and examine, to include, but not  
3 limited to:

4 1. An Apple I-phone belonging to Nancy Lee Crampton-Brophy with assigned number  
5 [REDACTED]  
6 2. A purple colored Lexar thumb drive,  
7 3. A silver colored HP laptop computer with serial number [REDACTED]  
8 4. A black and gray colored HP laptop computer with serial number [REDACTED]  
9 5. A Garmin GPS mapping device

10

11 And to seize and analyze the aforesaid objects of the search based upon the confines of the  
12 affidavit;

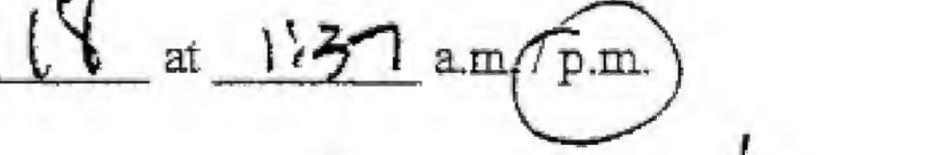
13

14 You are further directed to make return of this warrant to me within ten (10) days after  
15 the execution thereof.

16 It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until  
17 otherwise ordered by the court.

18

19

20 ISSUED over my hand on 9/7/18 at 1:31 a.m. / p.m. 

21  
22  
23  
24  
25  
26  
Signature of Magistrate

AMY HOLMES HEHN  
CIRCUIT COURT JUDGE

Title of Magistrate